

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LORCEN BURROUGHS,

Plaintiff,

-v-

9:18-CV-679  
(DNH/ATB)

WOODS, Sergeant, Clinton Correctional Facility;  
DONALD G. UHLER, Superintendent, Upstate  
Correctional Facility; SHATTUCK, Corrections  
Sergeant, Upstate Correctional Facility; JANE  
DOE #3, Nurse, Upstate Correctional Facility;  
JOHN DOE #4, NYS Police Investigator;  
JOHN/JANE DOE #5, Corrections Officer,  
Emergency Response Younger Officer; JOHN  
DOE #6, Corrections Officer, Emergency  
Response Older Officer; and JOHN DOE #7,  
Investigator, Office of Special Investigations,

Defendants.

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APPEARANCES:

LORCEN BURROUGHS  
Plaintiff pro se  
811 Carter Street  
Rochester, NY 14621

HON. LETITIA JAMES  
Attorney General for the State of New York  
Attorney for Defendants  
The Capitol  
Albany, NY 12224

KONSTANDINOS D. LERIS, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

## **DECISION and ORDER**

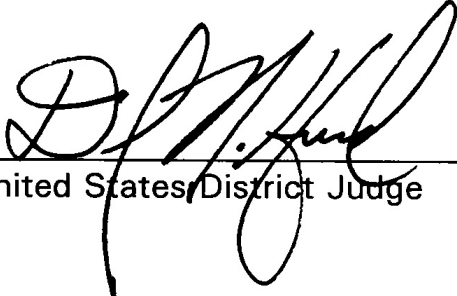
Pro se plaintiff Lorcen Burroughs brought this civil rights action pursuant to 42 U.S.C. § 1983. On April 25, 2019, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendant Donald G. Uhler's unopposed motion to dismiss be granted without prejudice and that the complaint be dismissed as against him. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant Donald G. Uhler's motion to dismiss is GRANTED;
2. The complaint as against Donald G. Uhler is DISMISSED without prejudice;
3. Plaintiff is provided an opportunity to amend his complaint within thirty (30) days of the date of this Decision and Order to correct the deficiencies identified in the Report-Recommendation;
4. If plaintiff timely files an amended complaint within thirty (30) days of the date of this Decision and Order curing the deficiencies noted in the Report-Recommendation, the file be forwarded to United States Magistrate Judge Andrew T. Baxter for further review; and
5. If plaintiff fails to file an amended complaint within thirty (30) days of the date of this Decision and Order, the complaint be dismissed as against defendant Donald G. Uhler without further order.



United States District Judge

Dated: July 3, 2019  
Utica, New York.